

S. Robert Schrager
HODGSON RUSS LLP
60 East 42nd Street, 37th Floor
New York, New York 10165
Telephone: (212) 661-3535
rschrager@hodgsonruss.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**MANUFACTURERS AND TRADERS TRUST
COMPANY, as Successor Indenture Trustee for the
7.75% Contingent Convertible Notes Due 2015 issued
by Calpine Corporation,**

Plaintiff,

—against—

**HSBC BANK USA, National Association, as Successor
Indenture Trustee for the 7.625% Senior Notes Due
2006, the 8.75% Senior Notes Due 2007, the 8.75%
Senior Notes Due 2008, and the 7.75% Senior Notes
Due 2009 issued by Calpine Corporation,**

—and—

**U.S. BANK NATIONAL ASSOCIATION, as
Indenture Trustee for the 10.50% Senior Notes Due
2006 issued by Calpine Corporation,**

Defendants.

08-CV-03093 (VM)

ECF Case

**NOTICE OF MOTION FOR
REMAND TO SUPREME COURT
OF THE STATE OF NEW YORK,
COUNTY OF NEW YORK**

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of S. Robert Schrager, Plaintiff will move this Court before the Honorable Victor Marrero at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, at such time as the Court may direct, for an order pursuant to 28 U.S.C. § 1447(c) remanding this action to the Supreme Court of the State of New York, County of New York on the ground that such action was improperly removed to this Court, and granting such other and

further relief, including costs and actual expenses including attorneys fees, as this Court may deem just and proper.

Dated: April 24, 2008
New York, New York

s/ S. Robert Schrager

S. Robert Schrager
HODGSON RUSS LLP
60 East 42nd Street, 37th Floor
New York, New York 10165
Telephone: (212) 661-3535
rschrager@hodgsonruss.com

and

Rolin P. Bissell
Norman M. Powell
Ian S. Fredericks
**YOUNG CONAWAY STARGATT
& TAYLOR, LLP**
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6600

*Attorneys for Plaintiff Manufacturers and
Traders Trust Company, as Successor
Indenture Trustee for the 7.75% Convertible
Notes due 2015 issued by Calpine
Corporation*

To:

Sarah L. Reid
Alison L. MacGregor
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, New York 10178
(212) 808-7800

*Attorneys for Defendant HSBC Bank USA,
National Association*

Marie C. Pollio
SHIPMAN & GOODWIN LLP
One Constitution Plaza
Hartford, Connecticut 06103
Telephone: (860) 251-5000

Brian Damiano
DUANE MORRIS LLP
1540 Broadway
New York, New York 10036
Telephone: (212) 692-1000

*Attorneys for Defendant U.S. Bank
National Association*